

Public Space Closed Circuit Television Policy	Document No:	SCS 014
	Approval Date:	25 June 2019
	Approved By:	Council
	Review Date:	April, 2022
	TRIM Reference	D19/7218
Responsible Officer:	General Manager, Culture and Community	
Authorising Officer:	Chief Executive Officer	

1. Purpose

The Surf Coast Shire Council (Council) is committed to working with others to ensure the safety of residents and visitors within the Surf Coast Shire (the Shire). As part of a broader suite of community safety initiatives Council will, where deemed necessary and appropriate, use or approve the use of, closed circuit television (CCTV) in public spaces to maximise community safety.

Whilst CCTV surveillance systems in public spaces can contribute to community safety they also impact on the privacy of individuals. Accordingly, CCTV is subject to a number of legal and regulatory controls to ensure individuals' rights to privacy are maintained. This policy provides the Council with direction when considering matters related to approval and management of CCTV for the purpose of improving community safety in public spaces within the Shire. The Closed Circuit Television in Public Spaces Policy (the Policy) is in place to ensure Council meets legal and regulatory obligations and has a consistent approach to CCTV in public spaces that balances safety with individuals' rights to privacy.

2. Scope

This policy applies to;

- All CCTV installed on, or being considered for, public space within the Shire that the Council owns and/or manages
- CCTV systems owned and operated by the Council in public spaces
- CCTV systems owned and operated by third parties, such as Victoria Police and/or contracted private security companies on Council owned or managed land deemed public spaces.

This policy does not apply to;

- The approval and management of Council's corporate CCTV systems that are installed on Council land and facilities for the purposes of protecting staff, assets and/or the management of services
- CCTV installed in Council owned facilities leased to third parties or managed via an instrument of delegation
- CCTV systems on private property including that of private residences and local businesses
- Public spaces within the Shire that Council does not own or manage.

3. Application

The Policy applies to the consideration of proposals for the installation and management of CCTV in public spaces within the Shire that the Council owns or manages.

Proposals for CCTV in public spaces should include a map and description of the proposed site/area/precinct. Proposals should also respond to the Policy criteria in **section 5. Policy** including any information or documentation required to assess the proposal.

Proposals need to be submitted in writing to the Council's General Manager, Culture and Community.

4. Definitions

Term	Definition
CCTV system	A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. Physical elements of a Closed Circuit Television system generally consists of several main assets, such as cameras, relay systems like cabling or

	wireless antennas and video data storage, viewing and printing devices ¹
Public Space	Any place to which the public has access as of right or by invitation, whether expressed or implied and where no charge is made for the admission to that place. ² Public spaces include: <ul style="list-style-type: none"> • Parks and playgrounds • Public car parks • Road Reserves • Open spaces
Community Safety	Community members feeling and being safe
Public safety CCTV system	CCTV systems installed in public spaces for the purpose of increasing community safety, discouraging and detecting antisocial behaviour in public spaces. Public Safety CCTV system data is most commonly used by Victoria Police for the purposes of upholding the law, protecting life and property, detecting and apprehending offenders and preserving the peace.
Corporate CCTV system	CCTV systems installed by a council for the purposes of protecting staff, monitoring and managing facilities, assets and services. Corporate CCTV systems are most commonly managed by council employees and/or contractors ³ and the data is mostly used by council staff

5. Policy

Council will consider all proposals to use CCTV in public spaces to improve community safety, including proposals from Council officers and those from third parties including Victoria Police and community groups.

Council will not support the use of CCTV in public spaces where individuals could have a reasonable expectation of privacy including in change rooms and public toilets⁴.

All other proposals to use CCTV in public spaces to improve community safety will be assessed against the following six criteria. Council will only approve CCTV proposals that meet all six criteria. The criteria align to best practice guidelines for CCTV and the law.

No.	Criterion definition	Criteria description
1	CCTV will be effective in resolving the problem	The problem is clearly defined and quantified, and evidence demonstrating CCTV is an effective solution to that problem is provided.
2	Less privacy invasive alternatives have been considered or trialled but will not be effective in resolving the problem	CCTV impacts on individuals rights to privacy. Accordingly, best practice guidelines outline that CCTV should not be used simply because it is the most cost effective or convenient means to achieve an objective. Instead the benefits of surveillance must substantially outweigh any intrusion of privacy ⁵ . Before CCTV is approved, the party proposing CCTV must be able to provide evidence that less privacy-invasive alternatives to CCTV (such as education and awareness campaigns and crime prevention through environmental design) have been explored and

¹ Victorian Government (2018) Guide to developing CCTV for public safety in Victoria. Available at: <https://www.crimeprevention.vic.gov.au/resources/cctv/guide-to-developing-cctv-for-public-safety-in-victoria>.

² Victorian Government (2018) Guide to developing CCTV for public safety in Victoria. Available at: <https://www.crimeprevention.vic.gov.au/resources/cctv/guide-to-developing-cctv-for-public-safety-in-victoria>

³Victorian Auditor-General's Office (2018) Security and Privacy of Surveillance Technologies in Public Places. Available at: <https://www.audit.vic.gov.au/report/security-and-privacy-surveillance-technologies-public-places?section>

⁴ Victorian Commissioner for Privacy and Data Protection (2017) Guidelines to surveillance and privacy in the Victorian public sector. Available at: <https://ovic.vic.gov.au/wp-content/uploads/2018/07/Guidelines-to-surveillance-and-privacy-in-the-Victorian-public-sector.pdf>

⁵ Victorian Commissioner for Privacy and Data Protection (2017) Guidelines to surveillance and privacy in the Victorian public sector. Available at: <https://ovic.vic.gov.au/wp-content/uploads/2018/07/Guidelines-to-surveillance-and-privacy-in-the-Victorian-public-sector.pdf>

		evidence as to why these alternatives will not be effective in responding to the problem.
3	CCTV is a proportionate response to the problem	Evidence is provided to show that the use of CCTV is proportionate to the problem. Such evidence could include criminal incidence rates compared to like public spaces and/or benchmarking that shows similar problems and the use of CCTV elsewhere.
4	Affected stakeholders are in support of the use of CCTV	Before implementing CCTV the organisation proposing installation should engage with stakeholders that would be affected to ensure they are comfortable with CCTV as the response. Engagement should be undertaken to the standards outlined in the Victorian Auditor General Public Participation Better Practice Guide ⁶ . Engagement results should demonstrate support for the use of CCTV in the proposed location.
5	The CCTV proposal complies with relevant laws and standards.	The party proposing the installation of CCTV bears the responsibility to demonstrate the CCTV proposal complies with all the relevant legislation. Relevant laws include; <ul style="list-style-type: none"> • Surveillance Devices Act 1999 • Privacy and Data Protection Act 2014 • Victorian Public Records Act 1973 • Victorian Private Security Act 2004 (s 25 3) • Victorian Charter of Human Rights and Responsibilities Act 2006 (ss, 7 & 13) • Victoria's Evidence Act 2008 • Australian Standards AS 4806.1 2006 Closed circuit television (CCTV)
6	An appropriate management and resourcing plan for the CCTV system is proposed	An appropriate management and resourcing system includes; <ol style="list-style-type: none"> a) Good Governance: A clearly defined and documented governance structure for the installation and management of the CCTV system. The proposed governance body must have the relevant skills and experience required to appropriately govern the system. Good governance also includes standard operating procedures including how the use, management, access and disclosure of information collected by the CCTV system will be managed. b) Agreements: A signed Memorandum of Understanding with Victoria Police and other relevant parties. c) Communications: A documented communications plan including plans to ensure appropriate signage to ensure people are aware that surveillance devices are in place, the objectives of surveillance and how to obtain information about their use and a well-publicised and accessible complaints process. d) Resourcing: The cost of installing and operating the CCTV system is clearly outlined with adequate and sustainable resourcing to cover the costs. The proposed costs will also be considered against the

⁶ Victorian Auditor –General's Office (2015) Public Participation in Government Public Decision Making. Available at: <https://www.audit.vic.gov.au/sites/default/files/20150130-Public-Participation-BPG.pdf>

		perceived outcomes. e) Any other considerations relevant to the particular request.
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6. Assessment

All proposals will be added the agenda of a Council meeting to be considered by Council as part of its deliberations on that item of business.

The General Manager, Culture and Community will bring together subject matter experts, including but not limited to, Council officers and local area members of Victoria Police in the preparation of a Council meeting report. All available information, including the application and supporting information and documentation, subject matter expert advice and other relevant evidence will inform an officer’s recommendation. Council will consider the officer’s recommendation and resolve on an application.

References

1. Surveillance Devices Act 1999
2. Privacy and Data Protection Act 2014
3. Victorian Public Records Act 1973
4. Victorian Private Security Act 2004 (s 25 3)
5. Victorian Charter of Human Rights and Responsibilities Act 2006 (ss, 7 & 13)
6. Victoria’s Evidence Act 2008
7. Australian Standards AS 4806.1 2006 Closed circuit television (CCTV)
8. Victorian Commissioner for Privacy and Data Protection (2017) Guidelines to surveillance and privacy in the Victorian public sector. Available at: <https://ovic.vic.gov.au/wp-content/uploads/2018/07/Guidelines-to-surveillance-and-privacy-in-the-Victorian-public-sector.pdf>
9. Victorian Government (2018) Guide to developing CCTV for public safety in Victoria. Available at: <https://www.crimeprevention.vic.gov.au/resources/cctv/guide-to-developing-cctv-for-public-safety-in-victoria>
10. Victorian Auditor –General’s Office (2015) Public Participation in Government Public Decision Making. Available at: <https://www.audit.vic.gov.au/sites/default/files/20150130-Public-Participation-BPG.pdf>
11. Victorian Auditor-General’s Office (2018) Security and Privacy of Surveillance Technologies in Public Places. Available at: <https://www.audit.vic.gov.au/report/security-and-privacy-surveillance-technologies-public-places?section>